

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**HOUSTON DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LUIS CARLOS DE LEON-PEREZ**

**Defendant.**

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**Criminal Action H 17 CR-514-1**

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**NOTICE OF FILING**

Defendant, De Leon, by and through counsel, hereby submits the attached discovery request for filing as part of the record in the above-captioned case.

Respectfully submitted

S/ H. Frank Rubio

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S.D. of Texas Federal Id. No. 3150475

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY tha a true and correct copy of the foregoing Notice of Filling was served March 23rd ,2018,with the Clerk's CM/ECF system on all counsel of record pursuant to Rule 5.3 of the Local Rules of the U.S. District Court for the southern District of Tetas.

S/ H. Frank Rubio

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March 23<sup>rd</sup>, 2018

Re: UNITED STATES OF AMERICA VS. LUIS CARLOS DE LEON PEREZ  
CASE NO: H17 CR-514-1

TO: AUSA JEREMY SANDERS, ESQ., AND ALL GOVERNMENT COUNSEL  
OF RECORD PER CM/ECF

This letter is to request that the Government make available to the defense all materials and information which the Government must disclose pursuant to Rule 16 Federal Rules of Criminal Procedure, Federal Rules of Evidence and case law.

**(1) Statements**

- (a) Defendant's Written or Recorded Statements [FRCrP 16(a)(1)(B)]. (1) Any relevant written or recorded statement by the defendant within the possession, custody or control of the Government that are known to you, or through due diligence may become known. (2) Any reference in any written record of any of any oral statement made before or after arrest by the defendant to a person known by the defendant to be a Government agent. (3) Defendant's grand jury testimony relating to the charged offenses.
- (b) Defendant's Oral Statements [FRCrP 16(a)(1)(A)]. The substance of any oral statements made by the defendant whether before or after interrogation by any person then known by the defendant to be a Government agent or law enforcement officer that the Government intends to use in any manner at trial regardless of whether any written record of the statement exists. In the event the government intends to use such an oral statement at trial, I request that it be reduced to writing and produced. This request includes the substance of the defendant's response to Miranda warnings.

I request that, in responding to this request for defendant's oral statement, you ask each law enforcement agency involved in investigating or prosecuting this case to search its files for responsive information.

- ©) Defendant's Prior Record [FRCrP 16(a)(1)(D)]. A copy of the defendant's criminal record within the possession, custody or control of the Government, the existence of which is known, or by the exercise of due diligence may become known to you. This request includes the defendant's entire criminal



record, including all arrests and offenses regardless of conviction or severity. It includes all matters that may affect the defendant's criminal history score pursuant to U.S.S.G. Chapter 4.

**(2) Documents, Data and Objects**

- (a) Material To Preparing A Defense [FRCrP 16(a)(1)(E)(I)]. Inspection, copying or photographing of documents, data or tangible objects within the possession, custody or control of the Government and are material to the preparation of the defense. Separately identify any materials the Government intends to use at trial in-chief.
- (b) Material Government intends To Use In-Chief [FRCrP 16(a)(1)(E)(ii)]. Produce or otherwise make available all documents, data and tangible objects, including tape recordings and transcripts, which the Government intends to use as evidence in-chief. In this regard, produce any index or working exhibit list of items you intend to introduce at trial. Provide notice of the Government's Intention to use any evidence in-chief discoverable under Rule 16 which the defense may seek to suppress [FRCrP 12(b)(4)(B)].
- (c) Obtained From or Belonging To Defendant [FRCrP 16(a)(1)(E)(iii)]. All materials obtained from or belonging to the defendant that are within the possession, custody or control of the Government regardless of how obtained or the identity of the person who obtained them.

**(3) Reports of Examinations and Test [FRCrP 16(a)(1)(F)].**

Results or reports of physical or mental examinations, and scientific tests or experiments within the possession, custody or control of the Government or by the existence of due diligence may become known to you, and material to the preparation of the defense or are intended for use by the Government as evidence in chief at trial. In the event the results of any scientific tests were reported orally to you or to any Government official or law enforcement officer, I request that you cause a written report of the results to be made and produced. In complying with this request, please contact any law enforcement agency involved in the investigation or prosecution of this case to determine whether relevant examinations or test were conducted, and, if so, produce the results or reports.

**(4) Expert Witnesses [FRCrP 16(a)(1)(G)]**

In the event you intend to offer any expert testimony under the Federal Rules of Evidence through any witness, including a Government agent or employee or law enforcement officer. I request that you prepare and produce a summary of the witness' opinion testimony, the grounds or basis for any such opinion testimony and the qualifications of the expert witness.

**(5) Other Offense Evidence [FRE 404(b)].**

I request notice of any “other offense” evidence you intend to introduce in your case in-chief. At the time you identify any “other offense” evidence you intend to offer in rebuttal, please produce any identify such evidence separately.

**(6) Summary Witness or Charts [FRE 1006]**

In the event you intend to call a summary witness at trial or present evidence in the form of a chart, I request production a reasonable time prior to trial of all of the original documents or tape recordings on which such testimony or chart is based.

**(7) Brady/Giglio Material**

Pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United State, 405 U.S. 150 (1972), produce sufficiently in advance of trial any exculpatory evidence material to guilt or punishment, including impeachment evidence or information. Should you have a question with regard to whether certain information constitutes Brady/Giglio material, or when it must be produced, I request that you present the information to the court, with notice to me, for review in camera to resolve these issues.

Any policy statement regarding sharing information among office prosecutors concerning Giglio information relevant to jailhouse informants (or other witnesses) you intend to call to testify in this case, and documents regarding the training and supervision of office prosecutors for sharing such information. In the event no policy regarding these matters exist in your office, I request that you survey all prosecutors in hour office for Giglio information regarding related case witnesses you intend to call to testify in this case.].

If you believe that any Brady/Giglio material that is not covered by the Jencks Act material I request that you present it to the court for an in camera review and advise me of the general nature of the evidence. However, I request that you produce prior to trial all Brady/Giglio material that is not covered by the Jencks Act.

Sincerely,

*/S/ H. Frank Rubio*

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H. Frank Rubio, Esq.  
S.D. of Texas Federal Id. 3150475